IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

WP(C).No. 12268 of 2007(I)

PETITIONERS:

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1. LAKSHMI NARAYANAN,
   KEEZH SANTHI (POOJARI), SREE MANGOTTU KAVU
   DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DIST.

2. A.V.RAJAGOPALAN, S/O. S.V.SANKARA
   WARRIER, AGED 40 YEARS, CLERK, SREE MANGOTTU KAVU
   DEVASWOM, P.O.ATHIPOTTA, ALATHUR, PALAKKAD DIST.

3. NARAYANANKUTTY M.,
   CLERK, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

4. SUBASH N.,
   CLERK, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

5. RAVEENDRAN A.,
   ATTENDER, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

6. HARIDAS P.,
   ATTENDER, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

7. MURALEEDHARAN K.V.,
   LAMP HOLDER, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

8. SHIV SANKARAN,
   DRUMMER, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT.

BY ADV. SRI.K.RAMAKUMAR

RESPONDENTS:
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1. THE COMMISSIONER,
   HINDU RELIGIOUS & CHARITABLE ENDOWMENTS BOARD,
   KOZHIKODE.

2. THE EXECUTIVE OFFICER,
   SREE MANGOTTU KAVU DEVASWOM, P.O.ATHIPOTTA,
   ALATHUR, PALAKKAD DISTRICT.

3. SRI. P.M.PARAMESWARAN NAMBOOTHIRI,
   HEREDITARY TRUSTEE, SREE MANGOTTU KAVU DEVASWOM,
   P.O.ATHIPOTTA, ALATHUR, PALAKKAD DISTRICT,
   RESIDING AT PUMULLI MANA, VIYOOR,
   THRISSUR DIST.

BY ADV. SRI.MOHAN C.MENON
SRI. K.P. DANDAPANI, SR.
SRI.MILLU DANDAPANI
GOVERNMENT PLEADER SRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/06/2007, THE COURT ON 11/07/2007 DELIVERED THE FOLLOWING:

WP(C).No. 12268 of 2007

APPENDIX

PETITIONERS' EXHIBITS:

EXHIBIT-P1: TRUE COPY OF THE NOTICE DATED 27.2.2007 ISSUED BY R2

EXHIBIT-P2: TRUE COPY OF THE REPLY SUBMITTED BY THE 3RD PETITIONER

EXHIBIT-P3: TRUE COPY OF THE NOTICE DATED 14.3.2007 ISSUED BY R2

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.12268 of 2007-I

Dated this the Ist day of June, 2007

J U D G M E N T

The petitioners are the employees of Sree Mangottu Kavu Devaswom, Athipotta, Alathur, Palakkad District. They were appointed by the third respondent, Trustee. According to them, the Trustee is the appointing authority and they were legally and validly appointed. While so, they have been served with Ext.P1 notice, proposing to terminate them from service, on the ground that they were appointed irregularly. They have submitted Ext.P2 reply to Ext.P1 notice. Later, the Executive Officer who issued Ext.P1 also heard the petitioners, as evident from Ext.P3. At this stage, this writ petition was filed, contending that the second respondent has no jurisdiction to terminate the services of the petitioners.

2. I heard the learned counsel for the respondents also. The third respondent vehemently supported the contention of the petitioners. But, the learned Government Pleader, produced a copy of the scheme approved by the competent Civil Court and published in the Palakkad District Gazette, for administering the temple concerned. As per clause 8 of the said scheme, the Executive Officer with the

approval of the Board of Trustees shall make the appointments of employees of the temple. Before making the appointments, he should get previous sanction of the department also. The Executive Officer is also authorised to suspend, remove or dismiss an employee. For that also, he should obtain approval of Board of Trustees.

3. In view of the above position, there is no justification for this Court to interfere with the show-cause notice, as the Executive Officer has jurisdiction to issue the same. Accordingly, the Writ Petition is closed, giving liberty to the second respondent to pass final orders in the matter. If the said order is adverse to the petitioners, they will be free to work out their remedies, against it.

K.BALAKRISHNAN NAIR, JUDGE.

MS